



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

DATE: January 24, 2014

TO: Board of Agriculture, Trade and Consumer Protection

FROM: Ben Brancel, Secretary *Ben Brancel*
Steve Ingham, Division of Food Safety Administrator *Steve Ingham*

SUBJECT: Food Safety Modernization Act (FSMA) Update

PRESENTED BY: Steve Ingham

REQUESTED ACTION:
None (update only)

SUMMARY:

Six proposed rules have been issued to implement the FDA Food Safety Modernization Act (FSMA). The comment period for four of the rules has closed. The comment periods for the rule addressing Preventive Controls for Food for Animals and the Food Defense rule close March 31.

Although the comment period for the Produce Safety rule is closed, this proposed rule is very contentious and FDA is still seeking comments. This presentation will review the topics on which FDA still seeks guidance. Also, language in the Farm Bill requires FDA to conduct scientific and economic impact analyses that must be published with the final rule, systematically evaluate the impact of the rule once it is implemented, and develop a way to respond to business concerns.

The newest proposed rule deals with Food Defense. The focus of the rule is to prevent intentional adulteration of food done to cause large-scale public harm. The rule does not focus on adulteration done to damage a company, e.g. tampering by competitors or disgruntled employees. The basic requirements of the rule are a written food defense plan, training, and record-keeping. The key components of the food defense plan, actionable process steps, mitigation strategies, monitoring, corrective action, and verification, will be briefly described.

Most farms are exempt from the requirements of proposed Food Defense rule, but not dairy farms. FDA is seeking input on dairy farm-related topics such as restricting access to the bulk milk tank, requiring training instead of certain mitigation strategies to limit bulk tank access, and possible criteria (e.g. size, post-milking destination of the milk) for exempting certain farms. FDA's request for input will be highlighted.

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